

Notice of Allowability

Application No.

10/081,945

Examiner

Joseph P. Hirl

Applicant(s)

BAILIE, BRIAN D.

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2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to March 2, 2005.
2. ☒ The allowed claim(s) is/are 22,24-28,30-34 and 36-39.
3. ☒ The drawings filed on 22 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20050329.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

, Examiner's Amendment/Reasons for Allowance

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In the Specification

2. The following changes are to Amendment A (page numbers and line numbers are referenced to Amendment A).

Page 3, line 5, delete "manufacturing" and insert –producing—

Page 3, line 15, delete "manufacture" and insert –create—

Page 3, line 18, delete "manufacturing" and insert –making—

Page 3, lines 27, 28, 29, and 30, delete "manufacturing"

Page 4, lines 1, 14, 17 and 19 (twice), delete "manufacturing"

Page 4, lines 25 and 26, delete "manufacture" and insert –create—

Page 5, lines 4, 7, 8 and 9, delete "manufacturing"

Page 6, lines 1, 4, and 10, delete "manufacturing"

Page 7, lines 16, 18, 20, 24 and 31, delete "manufacturing"

Page 8, line 2, delete "manufacture" and insert –creation—

Page 8, lines 5, delete "manufacturing"

Page 9, lines 7, 10, 18, and 25, delete "manufacturing"

Page 9, line 19, delete "manufacture" and insert –creation—

Page 10, line 11, delete "manufacturing"

Page 10, line 24, delete "manufacture" and insert —creation—

Page 11, lines 4, 8, and 12, delete "manufacturing"

Page 12, line 3 (twice), delete "manufacturing"

Page 12, line 22, delete "manufacturing" and insert —creating—

Page 13, line 17, delete "manufacturing"

Page 14, lines 6 and 9, delete "manufacturing"

Page 15, lines 5 and 27, delete "manufacturing"

Page 15, line 22, delete "manufacture" and insert —create—

In the Claims

3. The following changes are to Amendment C
Cancel claims 23, 29 and 35.
4. Authorization for this examiner's amendment was given in a telephone interview with Frank R. Agovino on March 29, 2005.

Reasons for Allowance

5. Claims 22, 24-28, 30-34, and 36-39 are allowed.
6. The following is an examiner's statement of reasons for allowance:

The cited prior art taken alone or in combination fails to teach the claims invention of providing a computerized system to assist an operator in the analysis of an embroidery design by applying rules to define parameters and to generate

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recommended parameters related to the defined parameters and to display these parameters and graphical representations related to the parameters.

The closest prior art (Chen et al, A New Generation of Intelligent Punching Environment for Computerized Embroidery) teaches Needle Paint, a new generation of intelligent punching environment for computerized embroidery. Chen teaches the automatic process necessary to generate stitches automatically by establishing specific codes corresponding to specific embroidery machine. Chen does not teach interactive user design through parameter development. The claimed provides a tool that facilitates a user definitizing an embroidery design.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Correspondence Information

Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is (571) 272-3685. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anthony Knight can be reached at (571) 272-3687.

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Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

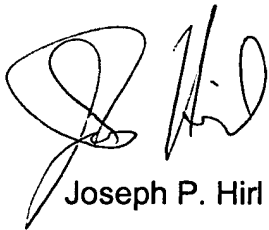
or faxed to:

(703) 872-9306 (for formal communications intended for entry);

or faxed to:

(571) 273-3685 (for informal or draft communications with notation of

"Proposed" or "Draft" for the desk of the Examiner).

A handwritten signature in black ink, appearing to read 'J. P. Hirl', is written over the printed name.

Joseph P. Hirl

March 29, 2005